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THE NEW BRUNSWICK SOCIETY

FOR THE

PREVENTION OF CRUELTY TO ANIMALS,

Incorporated under Act of the Legislature of New Brunswick.

ACT OF INCORPORATION, CONSTITUTION AND BY-LAWS,

AND THE

LAWS RELATIVE TO "CRUELTY TO ANIMALS."

HEADQUARTERS OF THE SOCIETY,
SAINT JOHN, N. B.

PRINTED BY GEORGE W. DAY,
CORNER PRINCE WM. AND PRINCESS STS.
1881.

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SAINT JOHN N. B.

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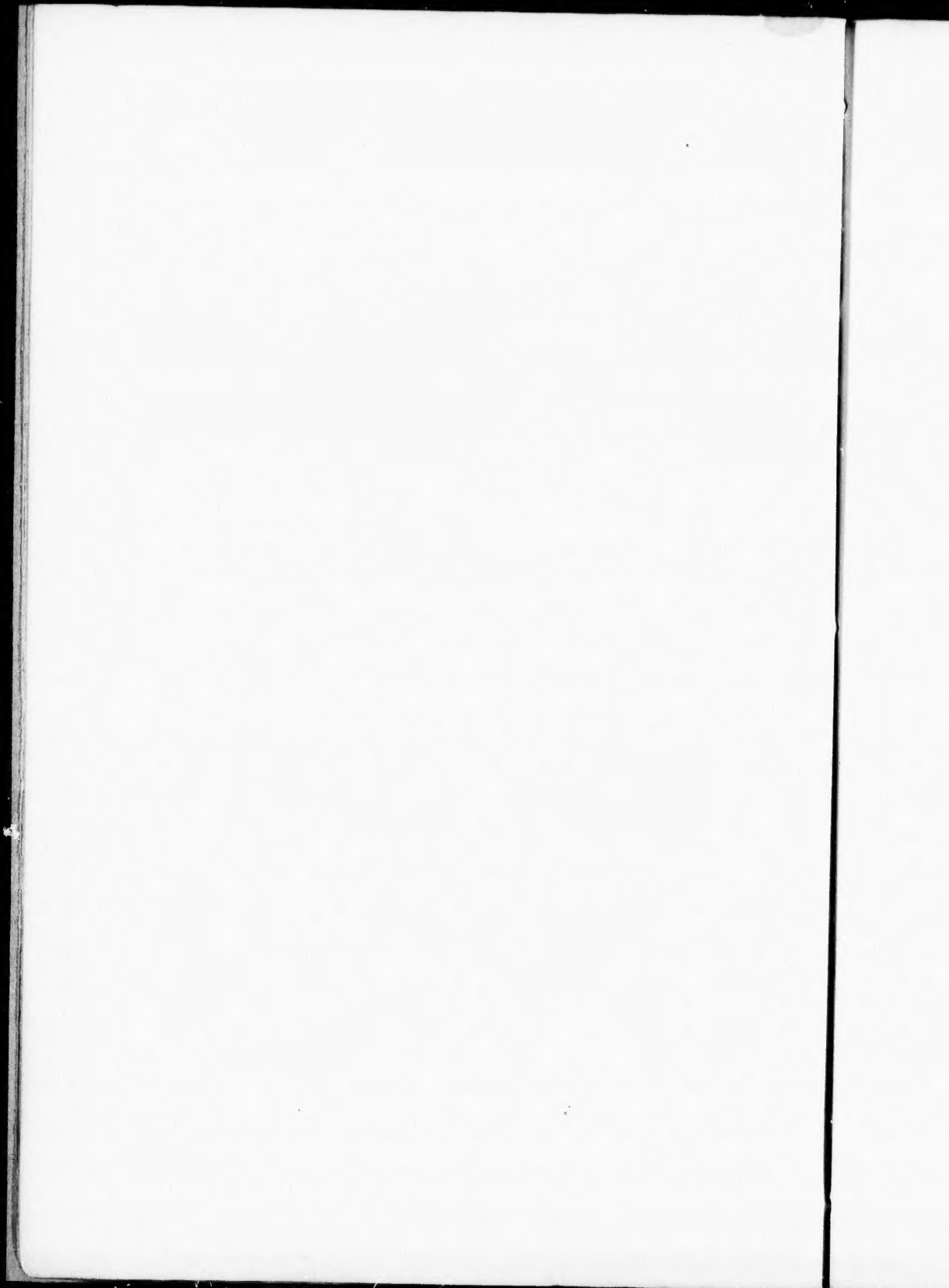
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OFFICERS OF THE SOCIETY.

PRESIDENT:

JOHN SEARS, Esquire.

VICE-PRESIDENTS:

REV. DR. BENNET, Saint John,
A. A. STOCKTON, "
W. W. CLARK, Carleton,
W. A. MOORE, Portland,
A. F. RANDOLPH, Fredericton,
R. R. JONES, Woodstock,
G. F. HILL, St. Stephen,
NELSON ARNOLD, Sussex,
J. L. HARRIS, Moncton,
DR. RUDDOCK, St. Martins,
ALEXANDER ROGERS, Albert Co.
W. B. BEVERIDGE, Ardover.

EXECUTIVE COMMITTEE:

JAMES HOLLY, Portland,
J. V. ELLIS, Carleton,
W. ELDER, St. John,
T. B. ROBINSON, "
JOHN MAGEE, "
W. F. BUTT,
W. F. BEST, "
J. B. HAMM,
ROLAND BUNTING, "
W. A. JACK, "

COUNSEL:

A. A. STOCKTON.

TREASURER:

W. H. FAIRALL.

SECRETARY:

R. CHIPMAN SKINNER.

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AN ACT

To Incorporate the New Brunswick Society for the Prevention of Cruelty to Animals.

Passed 25th March, 1881.

Whereas it is desirable to provide means to enforce the laws for the protection of and for preventing Cruelty to Animals; and to secure the prosecution of persons violating such laws; and whereas certain persons hereinafter named have by their petition prayed to be with their associates incorporated for the purposes mentioned.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly as follows:

1. Charles R. Ray, William H. Fairall, Alfred A. Stockton, Henry W. Frith, John Magee, W. F. Best, T. Barclay Robinson, James Holly, W. Walker Clark, John Sears, the Rev. James Bennet, D. D., Sylvester Z. Earle, M. D., R. Chipman Skinner, Joseph B. Hamm and Rowland Bunting, their associates and successors, as provided hereinafter, shall be, and they hereby are created and constituted, a body corporate in name and in deed, as "*The New Brunswick Society for the Prevention of Cruelty to Animals*," and as such shall be entitled to and shall have and enjoy perpetual succession a corporate seal and all other the powers and privileges made common and appurtenant to corporate bodies under and by virtue of the laws of New Brunswick.

2. Any three or more of the persons in the first section named may summon the first meeting of the said Society by a public notice to be signed by them and inserted in one or more newspapers published in the City of Saint John, and such meeting shall be held in the said City of Saint John, at such time and place as the persons signing such notice shall thereby appoint.

3. The said Society shall consist of all persons who shall contribute to the funds thereof according to the terms and conditions

of such rules and regulations as the Society may adopt as and for the Constitution of the Society, and for the purpose of holding the first meeting and all other preliminary meetings prior to the adoption of a Constitution, and of all persons who shall have subscribed and paid a sum of not less than two dollars to such fund.

4. The members may adopt and ordain such rules and regulations not contrary to law as they may deem necessary for the control and management of the said Society, and among other things for fixing the terms of membership, and the appointment of officers and of a governing body, and may from time to time amend, change or modify such rules and regulations in such manner as the same shall specify and allow.

5. The said Society may receive, take, hold, enjoy and manage all bequests, legacies, subscriptions and donations, whether of real or personal estate, which may be made or given to it; and may acquire, hold, lease, sell, convey and mortgage any real estate necessary for the purpose thereof, provided always that the value of such real estate so held shall not exceed the sum of five thousand dollars.

6. The said Society may form and establish Branch Societies or Associations at or in all or any of the Cities, Towns or Parishes of the said Province, from time to time, and subject to and under such regulations as may be deemed necessary or expedient.

7. Any officer, agent or employee of the Society shall and may be invested with and exercise the powers and privileges of a constable or other peace officer, for the purposes of the Society, upon being duly sworn before any Justice of the Peace, and may exercise such powers in any County, City, Town or Parish in this Province in and for which he shall have been so sworn.

8. All policemen, constables and other peace officers in the said Province are hereby authorized and required to aid and assist the officers of the said Society in all lawful ways for enforcing the law and carrying out the objects for which the said Society is hereby incorporated.

CONSTITUTION.

ARTICLE I.—NAME.

This Society shall be called "THE NEW BRUNSWICK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS."

ARTICLE II.—OBJECTS.

The objects of this Society are to provide effective means for the Prevention of Cruelty to Animals throughout the Province of New Brunswick; to enforce all laws which are now, or may hereafter be enacted for the Protection of Animals; and to secure by lawful means the arrest, conviction and punishment of all persons violating such laws.

ARTICLE III.—MEMBERS.

This Society shall consist of Active, Honorary and Life Members.

Section 1.—Any person may become a member of this Society on the annual payment of two dollars.

Section 2.—Any person may become an Honorary Member for life on payment of ten dollars; and any person may become a Life Member of the Society on a payment at one time of forty dollars or upwards, and the Life Members shall be entitled to the same privileges as Active Members, and all members shall be furnished with certificates of membership.

Section 3.—Ladies and youths under eighteen years may become members of this Society upon the annual payment of one dollar.

ARTICLE IV.—OFFICERS.

The officers of this Society shall consist of a President, twelve Vice-Presidents, Secretary and Treasurer, an Executive or Vigilant Committee composed of ten members, a Counsel, and of such other officers as the Executive Committee may deem advisable from time to time to appoint or elect. Five of the officers shall constitute a *quorum* for the transaction of business. The President, Vice-President, Secretary, Treasurer and Counsel shall, each *ex officio*, be members of the Executive or Vigilant Committee. The Executive or Vigilant Committee shall form a Board for the purpose of auditing accounts and for the general management of the Society.

ARTICLE V.—MEETINGS.

The annual meeting for the election of officers and for the transaction of other business shall be held in St. John on the third Tuesday in February. Special meetings may be called by the President, (or in his absence or inability, by one of the Vice-Presidents), and shall be so called upon the written request of ten members, and notice of the time and place of holding such meetings shall be published in one newspaper in the City of St. John for not less than five days previous thereto, and a written or printed notice thereof shall be mailed to or left at the residence or place of business of each member of the Executive or Vigilant Committee.

ARTICLE VI.—AMENDMENTS.

This constitution may be altered or amended upon a majority vote of the members present at any annual or special meeting, one month's notice of such proposed alteration having been previously given in the manner indicated in Article V.

ARTICLE VII.—BYE-LAWS.

The society shall have power to form a code of bye-laws, and from time to time to add to, modify, alter or rescind the same, and all such bye-laws, not inconsistent with the laws of the Dominion of Canada and of the Province of New Brunswick, shall be equally binding as this constitution upon the society, its officers and members.

BY - LAWS.

Article 1.—The officers of this society after being nominated by a mover and seconder shall be chosen by written ballot. Any vacancies occurring during the year may be filled by the executive committee.

Article 2.—The President, or in his absence, one of the Vice-Presidents, or in the absence of both, a chairman *pro tem.* shall take the chair and preside. Such presiding officer shall have only a casting vote.

Article 3.—The Secretary, under the direction of the President, or (in the absence or inability of the President) the chairman of the executive committee shall attend to the correspondence and other business of the society; shall keep in suitable books copies of all letters written, and shall file all letters received; give notice of all meetings of the society and of the executive committee, and attend the same; shall keep a record of all the proceedings thereat, and shall give notice to those affected by them.

Article 4.—The Treasurer shall receive and keep the funds of the society deposited in one of the City banks, and be drawn out on the joint check of the President and Treasurer, and shall keep accurate accounts of the same; shall pay all bills certified by the President, or (in his absence or inability), the chairman of the executive committee; and shall present to the executive committee annually, at least ten days previous to the annual meeting of the society, a full account, duly vouched and audited, of all his doings.

Article 5.—The Counsel shall be the *legal adviser* of the society and its officers, and shall have the general charge and conduct of all suits and proceedings instituted by or against the society and its officers, or either of them, or in which the society may be interested.

2.—With the advice or consent of the President, or (in the absence or inability of the President), the chairman of the executive committee, he may compromise or settle any such suit or proceeding; and may also from time to time associate with himself and retain such other counsel or attorney as, in the judgment of the President or Chairman as aforesaid, and himself, may be advisable for the best interests of the society.

3.—All disbursements made by him in the execution of his powers and duties as counsel or attorney, shall be repaid him out of the funds of the society, where the same cannot by law, or in fact be collected from other sources, upon his certificate in writing, specifying the amount and grounds thereof.

ABSTRACT

Of the following Dominion Acts now in force respecting Cruelty to Animals.

Acts of the Dominion of Canada, 1869, Ch. 27 (also Chap. 21 and 23)
do 1870, Ch. 29.

1. Whoever wantonly, cruelly or unnecessarily beats, binds, illtreats, abuses, or tortures any *horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, pig, or other "cattle,"* including swine, goat, as well as any neat cattle or animal of the bovine species, whether one or many, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, or any poultry, or any dog, or domestic animal or bird; or

2. Whosoever driving any of the aforesaid cattle or other animal, is, by negligence or ill usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, shall upon being convicted of any or either of the said offences before any one Justice of the Peace for the district, county or place in which the offence has been committed, for every such offence FORFEIT AND PAY (over and above the amount of the damage or injury if any done, thereby which damage or injury shall and may be ascertained and awarded by such justice,) such sum of money not exceeding TEN DOLLARS nor less than one dollar, WITH COSTS, as to such justice seems meet;

3. And any person who in any manner encourages, aids or assists at the fighting or beating of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, shall upon being convicted before any one Justice of the Peace for the district, county or place in which the offence was committed, for every such offence FORFEIT AND PAY such a sum of money, not exceeding FORTY DOLLARS nor less than two dollars WITH COSTS, as to such justice shall seem meet.

3. The offender shall, in default of payment, be committed to the Common Gaol, or other place of confinement for the district, county or place in which the offence was committed, there to be IMPRISONED for any time not exceeding THIRTY DAYS.

5. Nothing in this Act contained shall prevent or abridge any

remedy by action against the offender and his employer where the amount of the damage is not sought to be recovered by virtue of this Act. When any offence against this Act is committed, any constable or other peace officer, OR THE OWNER of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person, (who shall declare his or their name or names, and place or places of abode to the said constable or other peace officer,) may seize and secure by the authority of this Act, and forthwith, and without any other authority or warrant, may convey any such offender before a Justice of the Peace, within whose jurisdiction the offence has been committed, to be dealt with according to law.

6. If any person apprehended for having committed any offence against this Act refuses to discover his name and place of abode to the Justice of the Peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall by him be conveyed to the common gaol, or place of confinement for the district, county or place within which the offence has been committed, or in which the offender has been apprehended, there to remain for any term not exceeding ONE MONTH, or until he makes known his place of abode to the said justice.

7. The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence, and not otherwise.

8. Every offence against any of the sections of this Act is a misdemeanor, and may be punished as such, or may be prosecuted in the manner directed by the Acts of 1869, Chapter 31, so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions, in the same manner as if they were incorporated in this Act.

9. All pecuniary penalties recovered before any justice of the Peace under this Act, shall be divided, paid and distributed in the following manner, that is to say:—one moiety thereof to the Corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety with full costs to the person who informed and prosecuted for the same, or to such other person as to such justice seems proper.

10. Every sum of money ascertained and awarded, adjudged by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who has sustained such damage or injury.

AN ACT

To Prevent Cruelty to Animals while in transit by Railway or Other means of conveyance within the Dominion of Canada.

[Assented to 8th April, 1875.]

Whereas the transportation of cattle, by railway or vessels for long distances without rest, food, or water, is liable to cause suffering from hunger, thirst and fatigue ; and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. In this Act the term “cattle” shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.

2. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province, or from any part of a Province to another part of the same, nor the owner or master of any vessel carrying or transporting cattle, from one Province to another Province, or within any Province, or from the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours, without unlading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unlading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water, or any connecting Railways or vessels from which they are received, whether in the United States or in Canada, shall be included—it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

3. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof, and the company, owner or master shall, in such case, have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle.

4. Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported, to clear the floors of such cars, and to litter the same properly with clean sawdust or sand before reloading them with live stock, except during a period of frost.

5. Any railway company, owner or master of a vessel, having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in the second section of this Act, shall for each and every such failure to comply with its provisions, forfeit and pay as a penalty a sum not exceeding one hundred dollars for each case in which such provisions are disregarded: Provided however, that when cattle are carried in any car or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in the second section contained in regard to their being unladen shall not apply.

6. Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence against this Act.

7. If any person is guilty of any offence against this Act, as in the last preceding section mentioned, he shall, for every such offence, forfeit and pay such a sum of money not exceeding twenty dollars, nor less than five dollars, with costs, as to any one Justice of the Peace, for the district, county, or place in which the offence has been committed, may seem meet.

8. The offender shall, in default of payment, be committed to the common jail or other place of confinement for the district, county or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days.

9. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.

10. Every penalty recoverable under this Act shall belong to the Crown; and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.

11. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

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SUGGESTIONS

For the guidance of Individuals who may desire to prosecute persons guilty of Cruelty to Animals.

The Dominion Law presents three means by which perpetrators of Cruelty to Animals may be punished : I. By giving the Offender into the custody of a Policeman or a Constable. II. By the issue of a summons. III. By the apprehension of the accused under a Warrant.

I. By giving the Offender into the custody of a Policeman or Constable.

This is the best course to adopt within the City of Saint John, and in towns where Magistrates sit daily, as the person charged can be conveyed to a Police Court immediately after the commission of the offence, and punished forthwith. If a Policeman or Constable is not within reach when the cruelty is witnessed, or cannot be obtained soon afterwards, it will be better to proceed by summons, except in flagrant cases, exhibiting the worst features of torture ; or when in consequence of the offender's refusal to discontinue his brutality it may be necessary to protect the animal by placing its tormentor in custody of a Police Officer.

II. By the issue of a summons.

First obtain the name and address of the offender, and lay the complaint before a Justice of the Peace within whose jurisdiction the offence shall have been committed. This must be done within three Calendar Months after the commission of the act complained of.

Should the accused be the Driver or Conductor of an Omnibus, Cab or other Public Vehicle, obtain his name, address, and number of badge ; also the name, address, and number on said Omnibus, Cab, or other Vehicle. Make a note of time when, and the place where, the offence occurred. If for driving a horse or other animal with galled neck or shoulders, or other wounds, note the size situation of such wounds, especially if raw, discharging, or in contact with the harness ; if flogging or beating, note the number of blows, and on what part of the body inflicted, and the effect, if any, on the skin of the animal ; if for lameness, ascertain *particularly* whether or not there is suffering, as lameness is not always an indication of pain ; if for weakness or infirmity, take care to have a witness to speak of the bodily condition, age, and incapacity of the animal, and the labour exacted from it ; if for overloading, it is indispensable to show painful distress of the animal—*e. g.*, trembling, falling, unusual perspiration, or exhaustion—or to show violence on the part of the driver ; if for mutilation or any other torture under the aforesaid Acts of the Dominion of Canada, observe minutely and take down in writing the precise character of the same in detail. It is important also to remember the exact words of the accused when stopped. In every case, if possible, obtain the name and address of one or more respectable witnesses willing to give evidence. If unwilling, a witness may be subpoenaed by the Magistrate to appear.

The Magistrate has power upon conviction for ill-treatment to an animal which has sustained damage, to award compensation to the Owner thereof, in addition to the punishment upon such conviction, the said compensation to be paid by the offender.

III. *By the Apprehension of the Accused under a Warrant.*

This is desirable in all cases where there is reason to believe the Offender will evade a summons, or is about to abscond. All the preceding precautions of course apply to proceedings under warrant. There is another means of punishment, to which particular attention is requested, as, perhaps, in St. John, it is by far the most successful of any plan for the repression of cruelty, viz :

IV. *An Application to the Secretary of this Society to prosecute in the stead of the Witness.*

The Secretary of this Society may be seen at his office between the hours of 10 and 4 daily. Upon any respectable person furnishing him with the particulars of any act of cruelty, he will institute proper inquiries, and with sufficient evidence, conduct the prosecution without expense to the witness or complainant, and without his assistance, except in as far as may be necessary for the conviction of the offender. The names of persons and letters supplying information are kept *strictly private and confidential* when secrecy is enjoined. Information and assistance to facilitate the prosecution of persons guilty of offences in any part of the Province, will be given on application to the Secretary. It is requested that the particulars of any act of cruelty forwarded to the Secretary may be made full and precise and delivered as soon as possible after the offence ; and it is earnestly hoped that the personal inconvenience arising out of proceedings to protect animals from the outrages of cruel men, will not deter men of humanity from co-operating with the officers in their efforts to promote the objects of the Society,

All communications must be addressed to R. CHIPMAN SKINNER, Secretary, Office, corner Prince William and Princess streets, St. John.

THE INHUMANITY OF CLIPPING HORSES.—There is a great deal said these days by "professors," amateurs and others about the benefit of clipping horses. They tell us the horses feel better, will "dry off" quicker, etc., to the end of a long ingenious chapter. All we have to say is, try it on, gentlemen, yourselves. Strip off all your clothing but your flannel drawers and shirt, and go out for a winter's campaign in all kinds of weather. Undoubtedly men dressed in this style will "sweat" less, and feel "freer" to do their work, but we opine a slight "chill" will now and then come over your "feeble" frames ere the winter is past and gone. As a good-natured farmer said the other day, he "thought the Lord knew whether the horses needed the warm covering of hair or not when he gave it to them," and he did not propose to improve on the Lord's work. But then, he was a modest man, and all are not as modest in the estimate of their own knowledge as compared with the Lord's.—*Hampshire Gazette*.

RELATIONS BETWEEN MAN AND THE LOWER CREATION.—"After eighteen centuries of barbarity in this sphere of our relations" between man and the brute creation,—the revelations whereof, in its actual condition, are to the last degree revolting,—the civilized West is just beginning to awake to the duty of protecting our 'dumb neighbours,' and to ask whether the 'beasts that perish' do not turn the tables in the argument of immortality itself, upon the master, whose cruelties towards them mock his own special claim to be made in the image of God. We may yet appreciate Landor's tender tribute to his dog, 'Few saints have been so good-tempered, and not many so wise.'"

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